

**Sec. 3-9-7. Site Plan Review**

- (a) *Applicability and Procedure.* The following procedure shall apply to any request for development except individual single-family homes, individual duplex or individual triplex; notwithstanding the foregoing; the Zoning Official may exempt from or include within the Site Plan Review process any development project:



- (b) *Initiation.* A request for Site Plan Review may be initiated by anyone with a legal interest in the property; however, an applicant who is not the owner of the subject property shall be required to present evidence of legal authority from the owner to submit an application. The survey, engineering plans, landscaping plans, and building plans shall be prepared by a Florida registered surveyor, professional engineer, or architect, respectively. The Site Plan Review process shall consist of either a bifurcated preliminary and final review or a single comprehensive review.

- (c) *Application Requirements.* A request for Site Plan Review shall be submitted in accordance with the following requirements:

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(1) *Forms.* Applications required under this section shall be submitted on forms and in such numbers as required by the Zoning Official.

(2) *Fees.*

a. All applications and associated fees shall be filed with the Community Development Department upon submission of an application.

b. The BCC shall, by resolution, fix reasonable permit fees to be charged by the Zoning Official. These fees shall be reviewed on an annual basis.

c. An applicant who has paid the appropriate fee, but who chooses to withdraw their application prior to its distribution for review shall be entitled to a refund of the total amount paid minus a minimum of \$50.00 but up to a maximum of ten percent for administrative costs, upon written request to the Community Development Department. Once review has begun, no refund shall be available.

(3) *Application Processing.*

a. *Completeness Review.* All applications must be deemed complete by the Zoning Official for processing before the County is required to review the application content. During the completeness review process, no additions or modifications may be made to the submittal unless requested or agreed to by the Zoning Official. This review shall be completed within two business days. The Zoning Official may waive the strict requirements of this section.

b. *Sufficiency Review.* The sufficiency review shall be completed within five business days of the completeness review, and a written notice of any insufficiencies in the application will be provided to the applicant. The notice shall request the applicant to provide any required additional or corrected information. The applicant shall have ten business days from the date of the notice of insufficiency in the application to supply the information required in order for the application to be accepted for review, or such longer time as may be specified in the notice at the discretion of the Zoning Official.

c. *Site Plan Review.* Once an application is determined to be sufficient for processing, the applicant shall be notified that the application has been accepted for review, copies of the application shall be referred to the appropriate reviewing entities, and the process of notification and public hearings, if any, required for the application shall begin. The Site Plan Review cycle shall be a maximum of three weeks from the Thursday following the date the application is deemed sufficient unless extended by the Zoning Official.

(4) *Simultaneous Applications.*

a. If approved by the Zoning Official, applications for other development approvals may be filed and reviewed concurrently. Any application that also requires a variance and/or Special Exception shall not be eligible for final approval until the variance and/or Special Exception has been granted.

(d) Amendments and Changes to Land Development Regulations

All changes, amendments or additions to this Code shall apply to any final site plan application except for those with current preliminary site plan approval at the time of adoption of changes, amendments, or additions to this Code. Should the preliminary site plan approval expire, the changes, amendments or additions shall apply to future application.

(e) *Preliminary Site Plan Review.*

(1) *Action by Review Agencies.* Review agencies, including Community Development, Public Works, Utilities, and any other departments designated by the County Administrator, shall review site plans for consistency with the adopted plans, policies and regulations of the County

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and the requirements of this section. All review comments and conditions must be made during the preliminary review, no additional comments or conditions may be made at final approval, unless authorized by the Zoning Official.

(2) *Action by Zoning Official.* The Zoning Official shall review the application for consistency with the Comprehensive Plan and these Land Development Regulations. The Zoning Official shall issue the final decision to approve, approve with conditions, or deny the site plan application. Where the Zoning Official denies the application, the reasons for denial shall be stated in writing for the record.

(3) *Approval Criteria.* In evaluating any proposed site plan, the Zoning Official shall consider the following:

- a. The extent to which the proposed site plan is consistent with the Comprehensive Plan; and
- b. The extent to which the proposed site plan is consistent with these Land Development Regulations.

(4) *Effect of Preliminary Approval.* Preliminary site plan approval shall not be construed as a recommendation to authorize any permits. It represents a general acceptance of the site plan and places appropriate conditions on the approval to ensure compliance with this section.

(5) *Period of Validity.* The preliminary site plan approval shall be valid for a period of 12 months from the date of Zoning Official approval and within which application for final approval must be filed. Up to two extensions of up to 12 months each may be granted by the Zoning Official upon filing such request a minimum of one month prior to the expiration date. Such extension must be requested in writing and with payment of the appropriate fee.

(f) *Final Site Plan Review.*

(1) *Action by Review Agencies.* Review agencies including Community Development, Public Works, Utilities, and any other departments designated by the County Administrator shall review final site plans for consistency and the approved preliminary site plan, taking into account all previously made review comments.

(2) *Action by Zoning Official.* After considering the review agencies comments, the Zoning Official shall review the final site plan for consistency with this section and the approved preliminary site plan, taking into account all previously made review comments. The Zoning Official shall then issue the final decision to approve, approve with modifications, or deny the site plan application. Where the Zoning Official denies the application, the reasons for denial shall be stated in writing for the record.

(3) *Effect of Final Site Plan Approval.* Final site plan approval indicates an acceptance of the site plan by the Zoning Official and authorizes issuance of a building permit. The decision of the Zoning Official shall be final and only appealable by the applicant within 30 days of the written notice of decision to the BZA. By obtaining a building permit, the applicant waives the right to appeal. Conditional approvals may only be granted by the Zoning Official.

(4) *Period of Validity.* The final site plan shall be valid for a period of three years from the date of Zoning Official approval. One two-year extension may be granted at the discretion of the Zoning Official. No additional extensions will be granted thereafter. If a portion of the approved final site plan has been constructed and received a certificate of occupancy, the remainder of the approved plan shall remain valid unless a major modification is requested.

(g) *Conformity to Plan.* All development and construction activity must conform to the approved final site plan. As a condition to the granting of a certificate of occupancy, the applicant shall file a certificate by a registered engineer or architect that all development and construction activity has conformed to the approved final site plan.

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1 (h) *Modification of Site Plans.* Any proposed amendment, deviation or change to an approved site plan  
2 must be reviewed by the Zoning Official to determine whether the proposed change constitutes a  
3 minor or major modification. Such a request must be filed in writing, and a written determination will  
4 be rendered within ten working days of such request. The applicant may appeal the decision of the  
5 Zoning Official within 30 days of the written determination to the BZA.

6 (1) Minor modifications are slight variations or alterations to the site plan such as a shift of a  
7 building footprint, deletion of excess parking spaces, etc., which cannot reasonably be  
8 expected to cause a change in the internal functioning of the site or its off-site impacts. Minor  
9 modifications may be authorized by the Zoning Official, or his/her designee, when determined  
10 to be consistent with the approved site plan. Such a request must be filed stating the nature of  
11 the request and justification for such, as well as an updated site plan illustrating the proposed  
12 change. The Zoning Official shall provide written response within ten working days to the  
13 applicant. If the Zoning Official denies the minor modification, the reasons for denial shall be  
14 stated in the response. Regardless of whether the minor modification is approved prior to or  
15 after a building permit has been issued, the applicant may proceed with the requested change  
16 upon a favorable decision from the Zoning Official.

17 Minor modifications generally meet the following standards:

- 18 (a) Does not substantially alter the location of any points of access to the site.  
19 (b) Does not change the general site plan in a manner which requires additional site plan  
20 approval or the parameters of development remain unchanged.  
21 (c) Does not increase the density or intensity of the development to occur on the property.  
22 (d) Does not result in a reduction of previously required open space, minimum setbacks,  
23 general building location, or landscaping counts.  
24 (e) Is consistent with the general intent and purpose of this Code.  
25 (f) Does not result in a material modification or the cancellation of any condition placed  
26 upon the site plan as originally approved.  
27 (g) Does not add additional property to the site.  
28 (h) Does not substantially change the internal or external traffic pattern.  
29 (i) Does not increase the height of the building(s) including approved rooftop  
30 appurtenances by more than 10% of such building height.  
31 (j) Does not increase the floor area by more than 500 square feet.

32 (2) Major modifications are non-minor additions, deletions or changes in the use, density and  
33 location of structures of an approved site plan. Other modifications may be determined to be  
34 major if the Zoning Official determines they deviate substantially from an approved site plan  
35 and can reasonably be expected to cause adverse changes in internal functions or its off-site  
36 impacts. Such changes need to be reviewed by the Zoning Official in the same manner as a  
37 new application.  
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